

Message Text

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ACTION OFA-01

INFO OCT-01 ARA-06 ISO-00 SCS-03 L-03 EB-07 SCA-01 H-02

INR-07 DLOS-04 PRS-01 DOTE-00 SS-15 TRSE-00 COME-00

INT-05 DODE-00 PM-03 NSC-05 SP-02 CIAE-00 NSAE-00

OMB-01 SIL-01 LAB-04 VO-03 FMC-01 /076 W

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R 051631Z AUG 75

FM AMEMBASSY NASSAU

TO SECSTATE WASHDC 7021

INFO COMDT COGARD WASHDC

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C O N F I D E N T I A L NASSAU 1247

E.O. 11652: GDS

TAGS: EFIS BF

SUBJ: SPINY LOBSTER: THE CUBAN PAROLEE PROBLEM

1. DURING THE LAST FEW DAYS, IN BETWEEN OTHER PRESSURES, WE HAVE BEEN ABLE TO GENERATE A FEW THOUGHTS ON WHAT, OVER THE LONGER RUN, SEEMS LIKELY TO TURN OUT TO BE THE MOST DIFFICULT PROBLEM IN OUR UPCOMING NEGOTIATIONS.

2. THIS LATTER I VIEW AS BEING HOW WE HANDLE THE BAHAMIAN POSITION DEALING WITH THE NECESSITY FOR NON-BAHAMIAN BOATS PERMITTED FISHING RIGHTS IN BAHAMIAN WATERS TO BE OWNED BY U.S. CITIZENS. THUS, WHILE CUBAN PAROLEES WOULD NOT BE PRECLUDED FROM ACTING AS CREWS ON A U.S. CITIZEN-OWNED BOAT, THEY COULD NOT FISH THEIR OWN BOATS IN BAHAMIAN WATERS. DEALING WITH FISHERMEN ACCORDING TO NATIONALITY CONFLICTS WITH THE TRADITIONAL U.S. POSITION OF DEALING WITH FISHERMEN ACCORDING TO FLAG. THIS LATTER IS COMPLICATED FURTHER BY THE FACT THAT THE SMALLER VESSELS IN THE U.S. FISHERIES, (I.E. LESS THAN FIVE TONS), ARE NOT ELIGIBLE, AS WE UNDERSTAND IT, FOR DEFINITION AS "U.S. FLAG." OBVIOUSLY, IF WE WERE ABLE TO CREATE ON OUR SIDE A SITUATION IN WHICH ALL OF OUR VESSELS WERE UNDER U.S.

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FLAG AND ALL OF THE OWNERS OF THOSE FLAG VESSELS WERE U.S.

CITIZENS, WE WOULD HAVE THE IDEAL ACCOMMODATION OF THE RESPECTIVE BAHAMIAN AND U.S. POSITIONS.

3. IT IS NOT CLEAR TO ME AT THIS POINT WHAT IS REQUIRED TO FINESSE THIS PROBLEM IN THIS WAY. PERHAPS WE COULD ESTABLISH A REGISTRY REQUIREMENT FOR ALL VESSELS DESIRING TO PARTICIPATE IN THIS FISHERY UNDER ANY AGREEMENT REACHED, AND THUS BRING ALL OF THEM UNDER THE U.S. FLAG. THAT COULD BE THE FIRST STEP TOWARD PUTTING OUR SIDE IN ORDER WITH RESPECT TO OUR PREFERRED POSITION. THE NEXT IS TO ACCOMMODATE THAT POSITION WITH THE BAHAMIAN APPROACH BASED ON NATIONALITY. HOW DIFFICULT A STEP IT WILL BE DEPENDS ON HOW MANY NON-U.S. CITIZENS OWN BOATS IN THE FISHERY.

4. WE SHOULD FIRST CONDUCT A HEAD COUNT ON OWNERSHIP. WITH THE RESULTS OF THAT COUNT IN HAND, WE CAN THEN ADDRESS THE PROBLEM OF HOW WE TRY TO GET THE CUBAN PAROLEE OWNERS COVERED BY THE AGREEMENT. ONE IDEA WHICH OCCURS TO US IS A HOLDING COMPANY CONCEPT WITH EITHER THE U.S. GOVERNMENT OR PRIVATE CITIZENS ACTING AS OWNERS OF RECORD OF THE VESSELS; ANOTHER IS THE OUTRIGHT SALE OF THE BOATS TO U.S. CITIZENS CONTINGENT UPON THE LEASING BACK OF THE VESSEL TO THE SELLER AS UNDER A MANAGEMENT CONTRACT.

5. WE BELIEVE THE FIRST STEP IS FOR THE DEPARTMENT TO OBTAIN AN INDUSTRY CENSUS ON OWNERSHIP SO THAT WE CAN ADDRESS THE PROBLEM FROM AN INFORMED POSITION. ASSUMING SIGNIFICANT NUMBERS OF FISHERMEN ARE EFFECTED SOME SUCH SCHEME AS SUGGESTED IN PARA 4 ABOVE SHOULD BE STUDIED FOR FEASIBILITY. (FOREGOING, OF COURSE, IS WITHOUT PREJUDICE TO FACT THAT USG MAY WISH, AS A MATTER OF PRINCIPLE, TO RESIST CITIZEN-OWNERSHIP REQUIREMENT. HOWEVER, SINCE THIS IS WRITTEN INTO BAHAMIAN LAW PROSPECT OF GETTING GCOB TO DROP THIS REQUIREMENT SEEMS NEXT TO NIL AT THIS TIME.)
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